

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-4 remain in the application. Claim 5 has been cancelled. Claim 2 has been withdrawn.

In item 2 on pages 2-3 of the above-mentioned Office action, claims 1 and 3-4 have been rejected as being unpatentable over Tomiya (US Pat. No. 6,371,015 B1) in view of Serkh (US Pat. No. 6,379,275 B1) under 35 U.S.C. § 103(a).

Enclosed please find a Declaration under 37 CFR 1.131 together with a copy of the "Invention Disclosure" ("Erfindungsmeldung"), a report of the invention by the inventors prepared on **December 10, 1997**, which date is before the effective date **February 8, 2000** of Tomiya and the effective date **November 18, 1999** of Serkh. The documents Tomiya and Serkh are therefore not available as prior art references for the instant application. Therefore, Applicants respectfully submit that the Section 103 rejections on pages 2-3 of the Office action are now moot.

In view of the foregoing, reconsideration and allowance of claims 1 and 3-4 are solicited. Allowance of non-elected claim 2 is requested upon allowance of generic claim 1.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to 37 CFR Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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